

## **R E M A R K S**

Favorable reconsideration of the application is respectfully requested in view of the above amendments, enclosures, and the following remarks.

Applicant submits herewith a new set of claims for consideration – claims 15-34. Applicant cancels the pending claims 1, 2, 4-10 and 12-14, without prejudice. Applicant verily believes that the new claims more particularly point out and distinctly claim what Applicant believes is the invention. Claims 15 and 31 are the independent claims of the new set. They both claim a method of verifying and disabling a suspect vehicle observed by a law enforcement officer. The methods require a law enforcement officer's direct and proximate involvement with the suspect vehicle. The officer must be on hand to observe the suspect vehicle. (See step (a) of claims 15 and 31). The officer is given a certain measure of control at the scene involving the suspect vehicle, i.e., he has the power to disable the suspect vehicle after an authorization sequence is performed. (See steps (d)-(k) in claim 15 and steps (e)-(o) in claim 31). The claimed methods do not, however, give the officer unbridled discretion and control. Unless authorization takes place, the officer is powerless to automatically disable the suspect vehicle. The suspect vehicle (i.e., its vehicle control unit) needs to be put into a "ready to receive stop command signal" mode (via authorization) otherwise it will not be disabled by a stop command signal. (See step (i) in claim 15 and step (L) in claim 31).

The authorization sequence for claim 15 includes the following steps:

- (d) receiving the identification code at the central database station, the identification code being associated with a first vehicle authorization code;
- (e) identifying the first vehicle authorization code associated with the identification code;
- (f) transmitting the first vehicle authorization code to the vehicle control unit [of the suspect vehicle];
- (g) in the vehicle control unit, comparing the first vehicle authorization code with a second vehicle authorization code pre-stored in the vehicle control unit;
- (h) generating an authorization acknowledgment at the suspect vehicle if there is a match between the first vehicle authorization code and the second vehicle authorization code;
- (i) enabling the vehicle control unit to receive a stop command signal if there is a match between the first vehicle authorization code and the second vehicle authorization code;

A similar sequence is recited in steps (d) through (l) of claim 31. The authorization sequence occurs between the central database station and the suspect vehicle, even though in the preferred embodiment, communication between the central database station and the suspect vehicle occurs through the law enforcement unit (LEU). The law enforcement officer is effectively removed from the authorization process. The vehicle authorization codes are stored at the central database station and the authorization (i.e., matching of vehicle authorization codes) takes place at the suspect vehicle. In the preferred embodiment, the LEU may relay the vehicle authorization code (VAC) to the suspect vehicle, but the officer is not given access to the VAC. Thus, a measure of central control is maintained over whether a vehicle will be automatically disabled by the officer.

It is another important aspect of the claimed invention that the authorization be performed at the suspect vehicle (See step (g) in claim 15 and step (j) in claim 31). This claimed step essentially ensures that the proper vehicle will be disabled. If authorization occurs at the law enforcement officer's vehicle, for example, as in U.S. Patent 5,861,799 to Szwed, the stop command signal would disable any vehicle within the range of the officer's transmitter (i.e., in Szwed, all vehicles are in a constant ready state to receive the stop command; authorization at the officer's vehicle merely enables the officer's unit to transmit the stop command signal).

The present invention, as claimed in claims 15 and 31, also requires that an authorization acknowledgement be generated. This is important to alert the law enforcement officer that a successful authorization has occurred at the correct vehicle (i.e., the suspect vehicle). In the preferred embodiment, the authorization acknowledgement is realized by energizing the flasher lights (or hazard lights) on the vehicle. While there are patents of record which disclose a step of energizing the hazard lights, such as U.S. patents 6,157,317 to Walker (col. 13, lines 2-4), 5,559,491 to Stadler (col. 5, lines 7-11), and 5,276,728 to Pagliaroli (col. 5, lines 51-55), the lights are energized *after* the vehicle is disabled, not as an acknowledgement of authorization prior to disablement, as claimed in claims 15 and 31.

The methods of claims 15 and 31 further recite the step of:

enabling the vehicle control unit [of the suspect vehicle] to receive a stop command signal if there is a match between the first vehicle authorization code and the second vehicle authorization code;

(See step (i) in claim 15 and step (l) in claim 31.) This feature prevents the vehicle control unit (VCU) from responding to a stop command if proper authorization has not occurred. This

feature provides a certain amount of security and privacy to the public. It restricts law enforcement officers from arbitrarily disabling vehicles. It prevents unauthorized users of the law enforcement unit from disabling vehicles. It also prevents someone who has duplicated the stop command signal from disabling vehicles. Authorization, which originates from the central database station, must occur at the vehicle before the VCU is ready to receive the stop command signal.

A number of patents of record suggest the use of a central station in a vehicle disabling system. For example, see U.S. patents: 6,157,317 to Walker; 5,939,975 to Tsuria et al.; 5,861,799 to Szwed; 5,513,244 to Joao et al.; and 5,479,157 to Suman et al. (new, submitted herewith). In Walker, Tsuria et al. and Suman et al., the central station transmits the stop command signal from a remote distance from the vehicle, in contrast to the methods of claims 15 and 31, wherein the law enforcement officer is proximate to the vehicle and transmits the stop command after observing authorization at the vehicle. In Joao et al., the central station acts as a police monitoring station and is not directly involved in the disablement process. Szwed uses a central station to receive vehicle identification information (apparently by voice communication) and to send back two code numbers to the officer. The codes are entered by the officer into a unit in the officer's vehicle, and this enables the officer to transmit a stop command to the suspect vehicle. Authorization at the suspect vehicle does *not* take place in Szwed, as required by claims 15 and 31. A vehicle authorization code supplied by the central station is not furnished to the suspect vehicle. Moreover, the officer in Szwed is given access to the codes from the central station.

Applicant verily believes that it is the unique combination of (1) having authorization occur at the vehicle, (2) enabling the suspect vehicle to receive the stop command only upon proper authorization, and (3) giving the officer hands-on control over the disablement process only upon proper authorization, that makes claims 15 and 31 patentable over the art of record.

Claim 31 includes the essential steps of claim 15, but is directed more specifically to the case where there are a plurality of vehicles (containing VCUs) within the transmission range of the law enforcement unit. In such case, a plurality of identification codes are collected and relayed to a central database station. A corresponding plurality of vehicle authorization codes are


returned by the central station, and the officer is able to relay these codes to the vehicles and visually discern (e.g., seriatim) whether the proper vehicle has been authorized to receive a stop command. No such process is disclosed or suggested in the art of record.

Applicant submits herewith a PTO 1449 and an information disclosure statement listing and discussing two new patent references which Applicant would like to be considered by the Examiner and made of record. The references are U.S. Patent Nos. 5,479,157 to Suman et al. and 5,490,200 to Snyder et al.

Applicant also submits herewith a declaration by one of the inventors, Elias J. Goletsas, pursuant to 37 C.F.R. § 1.132, setting forth facts about the newly presented claims and of certain invention awards received for the invention disclosed and claimed in the present application. It is respectfully submitted that this declaration provides objective evidence of patentability of the claimed invention.

Early and favorable consideration of the application, as amended, is most earnestly solicited. If for any reason the Examiner feels that a consultation with Applicant's new attorney will be helpful, he is invited to call Applicant's new attorney for an interview.

Respectfully submitted,

  
Lawrence P. Trapani  
Attorney for Applicants  
Reg. No. 32,086

7/23/04  
Date

2nd Floor, Monroe Building  
333 East Onondaga Street  
Syracuse, New York 13202  
Tel: (315) 422-7200  
Fax: (315) 422-1700